

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3285 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JASVANTLAL PARMANDDAS SHAH

Versus

STATE OF GUJARAT

Appearance:

MR AKIL KURESHI for Petitioner

MR HL JANI for Respondent No. 1 TO 3

None present for Respondent No. 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/03/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. The petitioner filed this petition before this Court against the communication of the order of State Government, annexure 'L' dated 31st March 1983, rejecting the application of the petitioner for allotment of agricultural land on the ground of being Ex-Military

personnel.

3. The Collector, Valsad, under his letter dated 31st March 1983, rejected the application made by petitioner for allotment of land. The petitioner claimed allotment of agricultural land on the ground of being Ex-Military personnel. One of the contentions raised by the learned counsel for the petitioner is that the State Government has rejected his claim for allotment of agricultural land without giving him an opportunity of hearing. In case the petitioner would have been given opportunity of hearing, he could have satisfied the authorities that he is entitled for allotment of land being Ex-Military personnel.

4. On the record of this Special Civil Application, the respondents have not produced any material to show that any reasoned order has been passed by the State Government as well as any opportunity of hearing has been given to the petitioner before rejecting his prayer for allotment of land. In absence of such record, the only inference to be drawn is that the State Government has rejected the application of the petitioner without passing a speaking order as well as without giving him an opportunity of hearing.

5. In the result, this Special Civil Application succeeds and the communication of the order by State Government, annexure 'L', dated 31st March 1983, is set aside. The State Government, herein the Secretary, Revenue Department, Sachivalaya, Gandhinagar, is directed to consider the application of the petitioner for allotment of agricultural land afresh after giving him opportunity of hearing. In case the application of the petitioner is not acceptable, it is expected of the respondent, the Secretary, Revenue Department, to pass a reasoned order and a copy of the same may be sent to the petitioner by registered post. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)